

**THE STATE OF NEW HAMPSHIRE**  
**PUBLIC UTILITIES COMMISSION**

**DW 04-013**

**ORDER OF NOTICE**

On January 29, 2004, Staff of the New Hampshire Public Utilities Commission (Staff) requested that the Commission open a docket for a review of the earnings of Eastman Sewer Company (Eastman). Eastman's 2001 and 2002 Annual Reports to the Commission indicated it was overearning. Staff's letter also indicated that it was holding discussions with Eastman regarding the overearnings.

On June 25, 2004, Staff advised the Commission that it had reached a Settlement Agreement (Agreement) with Eastman to eliminate its overearnings, and requested a hearing date for presentation of the Agreement to the Commission. The Agreement calls for Eastman to begin locating, inspecting, and cleaning its sewer mains in 2004, at an annual cost of approximately \$15,000. Eastman intends to continue this project over a ten year period. According to the Agreement, Eastman's overearnings will be reduced by incurring this necessary annual expense, and its return on its rate base will be reduced to a level substantially more in line with the return last authorized by the Commission in DR 90-170. The Agreement also calls for Eastman to advise the Staff immediately if, for any reason, the locating, inspecting and cleaning project were to be discontinued. In that event, the Agreement indicates that Eastman and Staff recognize that other actions may be needed if Eastman were back in a position of overearning.

The Commission will conduct a hearing for the purpose of reviewing the just and reasonableness of Eastman's rates pursuant to RSA 378:28, and whether the Settlement Agreement is in the public interest. The Commission will take evidence regarding the Agreement reached between Staff and Eastman as well as receive comments from customers or other interested parties.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a hearing be held before the Commission located at 21 South Fruit Street, Concord, New Hampshire on August 17, 2004 at 10:00 a.m., at which time Eastman Sewer Company and the Commission Staff will present the Settlement Agreement filed with the Commission on June 25, 2004; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.01, Eastman Sewer Company shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than July 20, 2004, in a newspaper with statewide circulation or of general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before August 17, 2004, and by posting a copy of this Order of Notice in five conspicuous locations in and around the Eastman community; and it is

**FURTHER ORDERED**, that any person who wishes to review a copy of the Settlement Agreement entered into by Eastman Sewer Company and Commission Staff can request a copy from the Eastman Community Association or from Commission Staff by contacting the Commission's Gas & Water Division at 271-2431; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.02, any party seeking to intervene in this proceeding who has not previously intervened shall submit to

the Commission an original and eight copies of a Petition to Intervene with copies sent to the Office of the Consumer Advocate on or before August 11, 2004, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection by filing an original and 8 copies thereof, with a copy provided to the Office of Consumer Advocate, on or before August 17, 2004.

By order of the Public Utilities Commission of New Hampshire this ninth day of July, 2004.

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Debra A. Howland  
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 8 Old Suncook Road, Concord, New Hampshire 03301-7319; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.